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RUEHKM/AMEMBASSY KAMPALA PRIORITY 2763
RUEHKH/AMEMBASSY KHARTOUM PRIORITY 2009
RUEHLO/AMEMBASSY LONDON PRIORITY 2783
RUEHFR/AMEMBASSY PARIS PRIORITY 2705
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C O N F I D E N T I A L SECTION 01 OF 03 NAIROBI 000999

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FOR S, D, P, G, DRL, AF A/S FRAZER FROM THE AMBASSADOR

E.O. 12958: DECL: 04/15/2018

TAGS: PREL PGOV KDEM KE

SUBJECT: CABINET DEAL REACHED

REF: A. NAIROBI 960 AND PREVIOUS

1B. NAIROBI 989 (LISTING CABINET MEMBERS)

Classified By: Ambassador Ranneberger for reasons 1.4 b and d.

11. (C) Summary. Intervention by the Secretary and strong support from A/S Frazer were decisive in persuading President Kibaki and Prime Minister-designate Odinga to reach agreement on the cabinet, which was announced April 13. Kibaki and Odinga both saw the U.S. as the only party who could work with both sides to achieve a deal. Both men compromised, and in the process left some their key people unhappy with the result. Kenyans are generally reacting positively. We are moving quickly to highlight support for the new coalition government. End summary.

Decisive U.S. Role

12. (C) The deal on the cabinet announced on April 13 is a major milestone in implementation of the political accord negotiated between President Kibaki and Prime Minister-designate Odinga to end the post-election crisis. Agreement on the cabinet was the result of weeks of intensive negotiations (see ref A; ref B provides the list of cabinet appointees). The U.S. role was decisive in pressing President Kibaki and Prime Minister-designate Odinga to reach a deal. U.S. pressure complemented that coming from the Kenyan people themselves and from Kofi Annan.

13. (C) The Secretary's calls made to Kibaki and Odinga, her subsequent statement, and strong support provided by A/S Frazer influenced the parties to make the necessary compromises on composition of the cabinet. Viewing the U.S. as the only force capable of bridging the remaining gap and forging a deal, Kibaki and Odinga both relied on the U.S. as a go-between during the week of April 7. As reported ref A, on April 10 I arranged a meeting with Odinga and his entire leadership team to convey a tough message of realities to ODM hardliners (like William Ruto). I told them it was not acceptable to attempt to introduce new issues or reopen old ones and made it clear that the sole issue to achieve a deal was portfolio balance in the cabinet. U.S. efforts to press Kibaki to give up several of the key ministries were repeatedly emphasized. Odinga and his team were told why it would benefit them to take a less than perfect arrangement and enter the cabinet, at which point we could reinforce Odinga's role by working closely with him. Odinga had

previously agreed to a joint media availability following the meeting. The purpose was to have Odinga in effect walk back some of the unacceptable positions recently articulated by his hardliners. Odinga did this, saying that he was committed to working out the cabinet arrangements, that a deal was close, and that people should remain calm. Kibaki and members of his team told me they appreciated the more reasonable stance Odinga articulated with this press conference.

¶ 4. (C) I passed to Minister of Internal Security Saitoti, who is close to Kibaki and a reliable messenger, the results of these discussions with Odinga and his team. The message emphasized that, in view of Odinga having walked back his hardliners and in light of the Secretary's call and letter, Kibaki must move ahead to give Odinga the face-saving ministries he needed to conclude a deal. If Kibaki did that, my message made clear, the U.S. would push Odinga to accept the deal. Saitoti said he believed the President was ready to move and wanted the U.S. to help broker a deal. A later meeting with Minister of Foreign Affairs Wetangula highlighted the impact of the Secretary's calls and statement. Minister Wetangula said he had received calls from a number of other ministers worried that the U.S. was getting ready to impose sanctions. Wetangula was at pains to stress the government's desire not to get on the wrong side of the U.S. He was told that the future of our bilateral relationship is linked to full implementation of the political accord.

¶ 5. (C) On April 11, I met again one-on-one with President Kibaki for over an hour. Clearly reflecting the impact of U.S. pressure, Kibaki said he was willing to give Odinga/ODM

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the Local Government Ministry, one of the most powerful in the cabinet. This was a key demand of Odinga. Kibaki stressed that he was under enormous pressure not to compromise further, and he was adamant against giving up other key ministries, such as Energy and Transport. Kibaki stressed that he wanted to close the deal quickly, before Parliament started on April 15. He expressed concern about the high level of tension in the country and asked me to convey his offer to Odinga.

¶ 6. (C) This was done on the afternoon of April 11, during a one-on-one with Odinga. I gave him my assessment that Kibaki was unlikely to yield further ground. I indicated that the U.S. viewed the deal on the table as reasonable, if not optimal, and believed that he should take it. If he did, we would work to bolster his position as Prime Minister and work to ensure that the political accord is fully implemented, Odinga was told. Odinga said that he would press Kibaki to give up the Transport and Energy ministries, but that he would ultimately accept what was on the table if he could not obtain more.

¶ 7. (C) Odinga raised two other major concerns: (1) that Kibaki will after the fact alter the structure of ministries by presidential decree, thus neutering the ministries given to Odinga/ODM; and (2) that Kibaki should agree to apportion the permanent secretary positions in the ministries between the PNU and ODU (because permanent secretaries are the top civil servants who essentially run the ministries). Odinga was told that his concerns were valid, but that they could not be incorporated into the cabinet deal. He also heard that Kibaki vehemently denied any plan to alter the functions of any ministry. I indicated Kibaki had told me that, even though the permanent secretaries are part of the professional civil service, he and Odinga can work out changes once the government is formed (Kibaki mentioned that 7 or 8 will be retiring this summer). I also noted that Kibaki had again held out to me the possibility of further cabinet changes within 2 months or so once the government is formed.

¶ 8. (C) Odinga also said that he was ready to meet privately

with Kibaki to finalize the cabinet deal. I called Kibaki the evening of April 11 to convey this. On April 12 Odinga and Kibaki flew to a presidential retreat for the private one-on-one discussion. The two met without having informed their teams of their plans, and without having consulted them about the final compromises to be made. Odinga pressed Kibaki hard, but Kibaki was unwilling to give up additional ministries beyond Local Government. Odinga accepted the deal, and it was announced by Kibaki on April 13. The cabinet of 42 ministries is split 50/50 between the two sides.

Annan's Influence and Continuing Role

¶9. (C) Throughout the week, Annan and I coordinated his calls to Kibaki and Odinga, and my meetings with them. In order to address the two concerns Odinga raised with me, Annan told Odinga that he (Annan) would pursue these issues when he returns to Kenya for the swearing-in of the new cabinet (likely on April 17). Odinga accepted this as sufficient and agreed that any cabinet deal would not have to address these issues.

Kenyans Celebrate While a Criminal Gang Disrupts

¶10. (C) Although there has been some (valid) criticism about the size and cost of the bloated cabinet, the deal has generally been welcomed throughout Kenya. On April 14, however, members of the criminal Mungiki group staged demonstrations against the deal. (The Mungiki started out as a sect dedicated to maintaining the traditional values of the Kikuyu, who are Kibaki's principal supporters.) During the recent political crisis, Kikuyu business and political leaders allegedly employed Mungiki to attack rival ethnic groups in response to violence directed against Kikuyus in Rift Valley and elsewhere. Now, Mungiki is out of a job and vulnerable to being disbanded by force, political observers tell us. Indeed, there has been a strong police response to

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the Mungiki demonstrations and 12 gang members have died across the country.

Next Steps

¶11. (C) We are moving quickly to show support for the new coalition government. We will engage in coordinated outreach to the Prime Minister and key ministers to brief them on the full range of U.S. programs, and to push our priorities. We are, at the same time, reaching out to the Parliament to encourage passage of legislation of direct interest to us (anti-money laundering, trafficking, etc). I will be working the media to make clear our support for the coalition government, and to emphasize the importance of maintaining momentum to carry out the process of institutional reform (constitutional, electoral, land). Given the appreciation of both sides regarding the role the U.S. played, we are well-placed to achieve U.S. objectives.

¶12. (C) I recommend that A/S Frazer and/or the Secretary phone Kibaki and Odinga to congratulate them and emphasize our support for their coalition government. We should also consider inviting PM Odinga to Washington at a mutually agreeable time.

¶13. (C) Close coordination between this Mission and Washington was key to maximizing U.S. influence to get the cabinet deal. The Secretary's intervention was decisive. Her involvement and A/S Frazer's involvement greatly enhanced my leverage with both sides. A/S Frazer's intensive engagement and strong support were crucial to ensuring that

U.S. efforts were well-focused and effective. Finally, I applaud my team for having performed superbly to advance important U.S. interests.

RANNEBERGER